



**RESOLUTION OF THE GOVERNING BODY
OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Instructions to OST Regarding Fund Transfers and Draws Regarding the Three Affiliated Tribes \$30,000,000 Permanent Fund."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws under said Act; and

WHEREAS, Pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Pursuant to Article VI, Section 5 (d) of said Constitution, the Tribal Business Council has the power to advise and consult with the representatives of the Interior Department on all activities of that Department; and

WHEREAS, Article VI, Sections 3, 5(a), 5(c), and 5(j) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the power to manage the economic affairs of the Three Affiliated Tribes and to administer funds within the exclusive control of the Tribes and thereby has the power to borrow funds that are necessary for the Tribe to continue exercising all of the powers of government; and

WHEREAS, The Tribal Business Council always maintains a permanent fund balance of \$30,000,000 on Interest Earnings from the Economic Recovery Fund under the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act; and

WHEREAS, The Tribe maintains \$5 million of this amount in an account with the BNC of North Dakota and \$521,942 in accounts at First National Bank and Trust in Williston, N.D. and a present balance of \$24,795,021 in a trust account managed by OST; and

WHEREAS, the Tribe desires to transfer an additional \$10,000,000 from OST management to be placed at private financial institutions; and

WHEREAS, The Tribe acknowledges that OST has no liability or responsibility for the management of funds managed by private financial institutions; and



WHEREAS, The Tribe also acknowledges and understands that the proceeds from JTAC funds may only be used for purposes authorized by the Equitable Compensation Act; and

WHEREAS, At various times and when the need has arisen, the Tribal Business Council has used these funds as collateral on loans the Tribe has made from financial institutions; and

WHEREAS, The Tribal Business Council has recently authorized the use of these funds as collateral on a line of credit from a financial institution; and

WHEREAS, The United States Department of Interior's Office of the Special Trustee ("OST") serves as trustee over the Interest Earnings from the Economic Recovery Fund as well as the principal or corpus of said fund; and

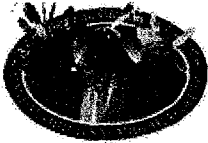
WHEREAS, The Tribe has been in communication with representatives from OST with respect to the management of the Interest Earnings on the Economic Recovery Fund and OST has requested that the Tribe provide it with a resolution authorizing the transfer of funds from OST to a financial institution or institutions and to further clarify the methodology to be implemented by OST in figuring the monies available for draw requests; and

WHEREAS, The Tribal Business Council desires to comply with OST and provide it with the direction it needs in regard to handling the Interest Earnings on the Economic Recovery Fund.

NOW THERE FOR IT BE RESOLVED, that the Tribal Business Council hereby directs the OST to sell \$10,000,000 of bonds and government overnighters and to immediately transfer these funds to a financial institution or institutions as directed by the Three Affiliated Tribes; and

BE IT FURTHER RESOLVED, that the Tribal Business Council hereby acknowledges that OST may sell the bonds and/or government overnighters at a loss or a gain depending on the bond prices at the time of the sale and the Tribal Business Council hereby directs OST to sell the bonds and/or liquidate the funds in the government overnighiter in the most prudent fashion so as to minimize any loss and maximize any gain resulting from the sale; and

BE IT FURTHER RESOLVED, that the Tribal Business Council further directs that the OST retain approximately \$1,000,000 in the government overnighiter account in order to ensure that cash is available for draws as available and requested by the Three Affiliated Tribes; and



**RESOLUTION OF THE GOVERNING BODY
OF THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Instructions to OTFM Regarding Fund Transfers and Draws."

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws under said Act; and

WHEREAS, Pursuant to Article III, Section 1 of the Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Pursuant to Article VI, Section 5 (d) of said Constitution, the Tribal Business Council has the power to advise and consult with the representatives of the Interior Department on all activities of that Department; and

WHEREAS, Article VI, Sections 3, 5(a), 5(c), and 5(j) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the power to manage the economic affairs of the Three Affiliated Tribes and to administer funds within the exclusive control of the Tribes and thereby has the power to borrow funds that are necessary for the Tribe to continue exercising all of the powers of government; and

WHEREAS, The Tribal Business Council always maintains a balance of \$30,000,000 on Interest Earnings from the Economic Recovery Fund under the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act; and

WHEREAS, At various times and when the need has arisen, the Tribal Business Council has used these funds as collateral on loans the Tribe has made from financial institutions; and

WHEREAS, The Tribal Business Council has recently authorized the use of these funds as collateral on a line of credit from a financial institution; and

WHEREAS, The United States Department of Interior's Office of Trust Fund Management ("OTFM") serves as trustee over the Interest Earnings from the Economic Recovery Fund as well as the principal or corpus of said fund; and

WHEREAS, The Tribe has been in communication with representatives from OTFM with respect to the management of the Interest Earnings on the Economic

RESOLUTION NO. 05- 87 NH

Recovery Fund and OTFM has requested that the Tribe provide it with a resolution authorizing the transfer of funds from OTFM to a financial institution or institutions and to further clarify the methodology to be implemented by OTFM in figuring the monies available for draw requests; and

WHEREAS, The Tribal Business Council desires to comply with OTFM and provide it with the direction it needs in regard to handling the Interest Earnings on the Economic Recovery Fund.

NOW THERE FOR IT BE RESOLVED, that the Tribal Business Council hereby directs the OTFM to sell \$10,000,000 of bonds and government overnighters and to immediately transfer these funds to a financial institution or institutions as directed by the Three Affiliated Tribes; and

BE IT FURTHER RESOLVED, that, based on the June 8, 2005 teleconference between Chairman Tex G. Hall, Tribal officials, Jim James, and other OTFM officials, the Tribal Business Council hereby acknowledges that OTFM may sell the bonds and/or government overnighters at a loss or a gain depending on the bond rates at the time of the sale and the Tribal Business Council hereby directs OTFM to sell the bonds and/or government overnighters in the most prudent fashion so as to minimize any loss and maximize any gain resulting from the sale; and

BE IT FURTHER RESOLVED, that the Tribal Business Council further directs that the OTFM retain approximately \$1,000,000 in government overnighters in order to ensure that cash is available for draws as available and requested by the Three Affiliated Tribes; and

BE IT FINALLY RESOLVED, that OTFM is to make available for draws by the Three Affiliated Tribes all interest earnings exceeding \$30,000,000 and that all JTAC funds held by OTFM and any financial institution (e.g. 1st National Bank and Trust in Williston, BNC Bank in Bismarck, N.D., etc.) be counted towards the \$30,000,000 interest earnings base.

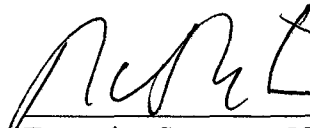
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a **Regular** Meeting thereof duly called, noticed, convened, and held on the 9^h day of **June** 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

RESOLUTION NO. 05- 87 NH

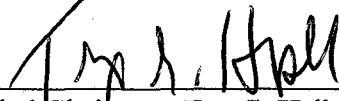
Chairman [X] Voting. [] Not voting.

Dated this 9^h day of June, 2005.



Executive Secretary, Nathan Hale
Tribal Business Council
Three Affiliated Tribes

ATTEST:



Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes



BE IT FINALLY RESOLVED, that OST is to make available for draws by the Three Affiliated Tribes all interest earnings exceeding the approximate amount of \$14,478.058 to be held and managed by OST.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the June 9, 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. Not voting.

Dated this 9 day of June, 2005.

Handwritten signature of Nathan Hale in black ink.

Tribal Secretary, Nathan Hale
Tribal Business Council
Three Affiliated Tribes

ATTEST:

Handwritten signature of Tex G. Hall in black ink.

Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes